

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 08, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALEX MCVICKER and MARK
MOSS, individually and on behalf of
all others similarly situated,,

Plaintiffs,

v.

GIGA WATT, INC.; GIGAGWATT
PTE LTD.; CRYPTONOMOS PTE.
LTD.; DAVE CARLSON; LEONID
MARKIN; and EDWARD
KHAPTAKHAEV,

Defendants.

No. 2:18-CV-00100-SMJ
2:18-CV-00103-SMJ

**ORDER GRANTING MOTION
FOR LEAVE TO WITHDRAW AS
COUNSEL**

RAYMOND BALESTRA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GIGA WATT, INC.; GIGAGWATT
PTE LTD.; CRYPTONOMOS PTE.
LTD.; DAVE CARLSON; LEONID
MARKIN; and EDWARD
KHAPTAKHAEV,

Defendants.

1 Before the Court, without oral argument, is defense counsel's Unopposed
2 Motion for Leave to Withdraw as Counsel, ECF No. 25. Barry M. Kaplan, Gregory
3 L. Watts, and Stephanie L. Jensen seek to withdraw as counsel for Defendants Giga
4 Watt, Inc., Dave Carlson, Giga Watt Pte. Ltd., and Cryptonomos Pte. Ltd.
5 (collectively, "Defendants").

6 Pursuant to Local Civil Rule 83.2(d)(4), counsel seek an order permitting
7 them to withdraw as Defendants' counsel of record. Because the requested relief
8 would result in the termination of one law office and leave Giga Watt Pte. Ltd. and
9 Cryptonomos Pte. Ltd. unrepresented, leave of the Court is required. *See* LCivR
10 83.2(d)(4).

11 Counsel seek withdrawal due to Defendants' unpaid invoices for work
12 performed in connection with the consolidated actions and another matter. ECF No.
13 25. Counsel have obtained client consent to withdraw, and Plaintiffs do not oppose
14 the motion. *Id.* Kaplan certifies that a true and correct copy of the motion has been
15 provided to Plaintiffs via electronic transmission. *Id.* at 5; *see* LCivR 83.2(d)(4).
16 Having reviewed the file in this matter, the Court finds good cause to grant the
17 motion.

18 Accordingly, **IT IS HEREBY ORDERED:**


19 **1.** Defense counsel's Unopposed Motion for Leave to Withdraw as
20 Counsel, **ECF No. 25**, is **GRANTED**.

1 2. The Clerk's Office is directed to **TERMINATE** Barry M. Kaplan,
2 Gregory L. Watts, and Stephanie L. Jensen as counsel for Defendants
3 Giga Watt, Inc., Dave Carlson, Giga Watt Pte. Ltd., and Cryptonomos
4 Pte. Ltd. from both **case numbers 2:18-CV-00100-SMJ** and **2:18-**
5 **CV-00103-SMJ**.

6 3. Giga Watt Pte. Ltd. and Cryptonomos Pte. Ltd. must obtain new
7 counsel prior to filing a responsive pleading, and may not proceed *pro*
8 *se*. See *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994)
9 ("Corporations and other unincorporated associations must appear in
10 court through an attorney.").

11 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
12 provide copies to all counsel, Giga Watt Pte. Ltd., and Cryptonomos Pte. Ltd.

13 **DATED** this 8th day of November 2018.

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16 SALVADOR MENDEZ A, JR.
17 United States District Judge
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